

§ 30.183

- (1) An eligible heir of the decedent;
 - (2) A person eligible to be a devisee of the interest, if you are a devisee of the interest under a valid will; or
 - (3) The tribe with jurisdiction over the interest.
- (b) For purposes of paragraph (a)(2) of this section, a person eligible to be a devisee of the interest is:
- (1) A lineal descendant of the testator;
 - (2) A person who owns a preexisting undivided trust or restricted interest in the same parcel;
 - (3) Any Indian; or
 - (4) The tribe with jurisdiction over the interest.

§ 30.183 Who may receive a renounced interest of less than 5 percent in trust or restricted land?

You may renounce an interest in trust or restricted land that is not disposed of by a valid will and that represents less than 5 percent of the entire undivided ownership of a parcel of land only in favor of:

- (a) One other eligible heir;
- (b) One Indian who is related to you by blood;
- (c) One co-owner of another trust or restricted interest in the same parcel; or
- (d) The Indian tribe with jurisdiction over the interest.

§ 30.184 Who may receive a renounced interest in trust personalty?

- (a) You may renounce an interest in trust personalty in favor of any person or entity.
- (b) The Secretary will maintain and continue to manage trust personalty transferred by renunciation to:
 - (1) A lineal descendant of the testator;
 - (2) A tribe; or
 - (3) Any Indian.
- (c) The Secretary will directly disburse and distribute trust personalty transferred by renunciation to a person or entity other than those listed in paragraph (b) of this section.

§ 30.185 May my designated recipient refuse to accept the interest?

Yes. Your designated recipient may refuse to accept the interest, in which case the renounced interest passes to

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the devisees or heirs of the decedent as if you had predeceased the decedent. The refusal must be made in writing and filed with the judge before the judge issues the final order in the probate case.

§ 30.186 Are renunciations that pre-date the American Indian Probate Reform Act of 2004 valid?

Any renunciation filed and included as part of a probate decision or order issued before the effective date of the American Indian Probate Reform Act of 2004 remains valid.

§ 30.187 May I revoke my renunciation?

A written renunciation is irrevocable after the judge enters the final order in the probate proceeding. A revocation will not be effective unless the judge actually receives it before entry of a final order.

§ 30.188 Does a renounced interest vest in the person who renounced it?

No. An interest in trust or restricted property renounced under § 30.181 is not considered to have vested in the renouncing heir or devisee, and the renunciation is not considered a transfer by gift of the property renounced.

(a) If the renunciation directs the interest to an eligible person or entity, the interest passes directly to that person or entity.

(b) If the renunciation does not direct the interest to an eligible person or entity, the renounced interest passes to the heirs of the decedent as if the person renouncing the interest had predeceased the decedent, or if there are no other heirs, to the residuary devisees.

Subpart I—Summary Probate Proceedings

§ 30.200 What is a summary probate proceeding?

(a) A summary probate proceeding is the disposition of a probate case without a formal hearing on the basis of the probate file received from the agency. A summary probate proceeding may be conducted by a judge or an ADM, as determined by the supervising judge.